

**United States District Court
Northern District of Indiana
Hammond Division**

BOROM, et al,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 2:07-CV-98 JVB
)	
CITY OF MERRILLVILLE, et al,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on Plaintiffs' Motion for Review of Magistrate Judge Decision by a District Judge [DE 316], Plaintiffs' Motion for Leave of Court to Supplement Plaintiffs' Objection to Magistrates Order of June 9, 2009 [DE 317], and Plaintiffs' Motion to Amend/Correct [DE 327].

On April 2, 2007, Plaintiffs filed a Complaint against Defendants, initiating this action. On May 17, 2007, Plaintiffs filed a Motion for Leave to Amend the Complaint, which Magistrate Judge Rodovich granted on June 5, 2007. Plaintiffs filed their Amended Complaint on June 7, 2007. On March 31, 2008, Plaintiffs filed a Motion to Amend/Correct the Complaint, which the Court denied on April 1, 2008 for procedural reasons. On July 11, 2008, Plaintiffs filed another Motion to Amend/Correct the Complaint, which Judge Rodovich granted on August 26, 2008. Plaintiffs filed their Second Amended Complaint on September 8, 2008.

On February 6, 2009, Plaintiffs filed yet another Motion to Amend/Correct the Complaint, which Judge Rodovich denied on June 9, 2009. Plaintiffs filed a Motion for Review of a Magistrate Judge Decision on June 17, 2009. On June 20, 2009, Plaintiff filed a Motion to

Supplement their Motion for Review of a Magistrate Judge Decision. On July 15, 2009, Plaintiffs filed a Motion to Amend their Motion to Amend/Correct the Complaint of February 6, 2009. The Court notes that the Motion that Plaintiffs are seeking to amend was denied by Judge Rodovich on June 9, 2009.

Federal Rule of Civil Procedure 72(a) and 28 U.S.C. § 636(b)(1)(A) provide that a magistrate judge may hear, decide, and issue an order on non-dispositive pre-trial matters. In the Seventh Circuit, a motion to amend a pleading is considered non-dispositive and may be decided by a magistrate judge. *Hall v. Norfolk S. Ry. Co.*, 469 F.3d 590, 595 (7th Cir. 2006). Prior to December 1, 2009, a party was permitted to object to a magistrate judge's order within ten days.¹ Fed. R. Civ. Pro. 72(a). The district judge will "consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." *Id.*

Under the clearly erroneous standard, the Court will not reverse Judge Rodovich's Order "simply because [the Court] 'would have decided the case differently.'" *Easley v. Cromartie*, 532 U.S. 234, 241 (2001) (citations omitted). Furthermore, Judge Rodovich's Order may only be reversed if the Court, on reviewing the entirety of the evidence, "is left with the definite and firm conviction that a mistake has been committed." *Id.*

It is the Court's judgment that Judge Rodovich's Order of June 9, 2009 was not clearly erroneous, and the Court will not reverse it. Accordingly, Plaintiffs' Motion for Review of Magistrate Judge Decision by a District Judge [DE 316] is **OVERRULED**; Plaintiffs' Motion for Leave of Court to Supplement Plaintiffs' Objection to Magistrates Order of June 9, 2009 [DE

¹Effective December 1, 2009, a party is permitted to object to a magistrate judge's order within fourteen days. Fed. R. Civ. P. 72(a).

317] is DENIED as moot; and Plaintiffs' Motion to Amend/Correct [DE 327] is DENIED as moot.

SO ORDERED on January 15, 2010.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE